

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUIXUAN CUI, on behalf of himself and others
similarly situated,

Plaintiff,

-against-

EAST PALACE ONE, INC. d/b/a East Palace
Chinese Restaurant, *et al.*,

Defendants.

17cv06713 (DF)

ORDER OF DISMISSAL

DEBRA FREEMAN, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before the Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a joint letter to the Court, explaining why they believe the proposed settlement agreement is fair, reasonable, and adequate (Dkt. 111), and Plaintiff's counsel has further submitted two follow-up letters, in response to requests by the Court to clarify certain aspects of the parties' agreement (Dkts. 113, 115).

The Court has reviewed the parties' submissions in order to determine whether the proposed agreement (Dkt. 111-1) represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' joint letter and in the additional letters filed by Plaintiff's counsel, the terms of the proposed settlement agreement, and the Court's general familiarity with the action, it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees.

2. As Plaintiff has requested that the Court retain jurisdiction over this action for purposes of enforcing the parties' settlement agreement and has informed the Court that Defendants have no objection to this request (*see* Dkt. 113), the Court will retain jurisdiction over this matter, solely for the purpose of enforcing the settlement agreement.

3. As a result of the Court's approval of the parties' executed settlement agreement, this action is hereby discontinued in its entirety, with prejudice, and without costs or fees to any party. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York
January 11, 2022

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)